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09/922,487	08/03/2001	Christopher I. Halliday		7011

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EXAMINER

BATES, KEVIN T

ART UNIT PAPER NUMBER

2155

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,487

Applicant(s)

HALLIDAY, CHRISTOPHER I.

Examiner

Kevin Bates

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-43, 45-53, 55-64 and 74-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-43, 45-53, 55-64, and 74-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This Office Action is in response to a communication made on January 20, 2006.

The Affidavits, Exhibit A and B, have been received on January 20, 2006

Claims 41 and 74-77 have been amended.

Claims 1-40, 44, 54, and 65-73 have been cancelled.

Claims 41-43, 45-53, 55-64, and 74-81 are pending.

Affidavit

The affidavit filed on January 20, 2005 under 37 CFR 1.131 is sufficient to overcome the Rindsberg reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41-43, 45, 47-48, 50-53, 55-56, 58, 61-64, 74-78, and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins (6317882) in view of Titlebaum (6549774) in further view of Owens (6067278).

Regarding claim 41, Robbins teaches a method of customizing a selection of selecting a station among a plurality of stations (Column 11, lines 12 – 31), comprising the steps of:

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receiving a plurality of stations (Column 11, lines 29 – 31), each station comprising a digitally encoded stream containing designations representative of a work of authorship over a global communication network, said global communication network having a plurality of stations;

decoding a selected station from among the plurality of stations (Column 11, lines 13 – 22);

comparing the decoded station with a user designated work of authorship to determine an indication that the user designated work of authorship is contained in the decoded station (Column 5, line 62 – Column 6, line 10); and

alerting a user to a station that contains the user designated work of authorship (Column 5, lines 20 – 28),

Robbins does not explicitly that the global communication network is a satellite audio radio network or that the receiving device is a mobile receiver.

Owens teaches a time shifting system which receives radio broadcasts and is able to record those broadcasts (Abstract) which are mobile in such they are located in a vehicle such as an automobile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Owen's disclosure of time shifting radio stations in an automobile in Robbin's system in order to perform the time shifting while driving in an automobile (Column 1, lines 8 – 11).

Titlebaum teaches a mobile radio station receiver (Column 3, lines 51 – 62) that receives and displays content/authorship information from the broadcast device

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(Column 4, lines 49 – 59) which includes receiving satellite radio (Column 3, lines 51 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand Robbin's teaching of a radio alert system to look for additional types of radio communications that include authorship information in the transmission such as satellite radio found in Titlebaum, in order to allow Robbin's the increased functionality of working with even more types of radio and video communications.

Regarding claim 42, Robbins teaches the method of claim 41, wherein the step of comparing the decoded station with a user designated work of authorship further comprises the step of storing the designation representative of a work of authorship of the decoded station in a memory (Column 6, lines 43 – 51).

Regarding claims 43 and 52, Robbins teaches a method of selecting an audio or video digital broadcast among two or more audio or video digital broadcasts (Column 11, lines 12 – 31), comprising the steps of:

receiving a digitally encoded stream of at least two broadcast stations over a global communication network (Column 11, lines 29 – 31), wherein at least one broadcast station from the broadcast stations contains a station designation of a work of authorship as an indication of a work of authorship contained in a signal from the broadcast station;

decoding a broadcast station;

providing a user designation of a work of authorship (Column 11, lines 13 – 22);

storing the user designation of a work of authorship in a memory (Column 4, lines 15 – 19); comparing the user designation of a work of authorship with the station designation of a work of authorship at 0.01 second to 3 minute intervals (Column 5, line 62 – Column 6, line 10); and

alerting a user of desired content if a user designation of a work of authorship matches a station designation of a work of authorship (Column 6, lines 17 – 24).

Robbins does not explicitly that the global communication network is a satellite audio radio network or that the receiving device is a mobile receiver.

Owens teaches a time shifting system which receives radio broadcasts and is able to record those broadcasts (Abstract) which are mobile in such they are located in a vehicle such as an automobile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Owen's disclosure of time shifting radio stations in an automobile in Robbin's system in order to perform the time shifting while driving in an automobile (Column 1, lines 8 – 11).

Titlebaum teaches a mobile radio station receiver (Column 3, lines 51 – 62) that receives and displays content/authorship information from the broadcast device (Column 4, lines 49 – 59) which includes receiving satellite radio (Column 3, lines 51 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand Robbin's teaching of a radio alert system to look for additional types of radio communications that include authorship information in the

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transmission such as satellite radio found in Titlebaum, in order to allow Robbin's the increased functionality of working with even more types of radio and video communications.

Regarding claim 45, Robbins teaches the method of claim 43, further comprising the steps of providing and recording desired content (Column 6, lines 4 – 10).

Regarding claim 47, Robbins teaches the method of claim 43, wherein the station designation of a work of authorship is provided to the user prior to a broadcast of the work of authorship (Column 6, lines 17 – 24).

Regarding claim 48 and 58, Robbins teaches the method of claims 43 and 52, wherein the work of authorship is selected from a group consisting of songs, books, movies, movie shorts, educational works, sports events (Column 6, lines 57 – 59).

Regarding claim 50, Robbins teaches the method of claim 43, wherein the user has the ability to listen to the work of authorship (Column 3, line 66 – Column 4, line 3).

Regarding claim 51 and 60, Robbins teaches the method of claims 43 and 52, wherein the step of saving work of authorship, in real-time, as the work of authorship is received (Column 6, lines 8 – 10).

Regarding claim 53, Robbins teaches the device of claim 52, further comprising a recording media for recording the user desired work of authorship in real time as it is provided over the global communication network (Column 6, lines 4 – 10).

Regarding claim 55, Robbins teaches the device of claim 52, further comprising a recording media for recording the user desired work of authorship in real time as it is provided over the global communication network (Column 6, lines 8 – 10).

Regarding claim 56, Robbins teaches the device of claim 55.

Robbins does not explicitly indicate wherein the recording media includes a hard drive, and/or a floppy drive, and/or an optical drive, but the examiner takes official notice that a recording media can include: a hard drive, and/or a floppy drive, and/or an optical drive.

See MPEP § 2144.03 for more details over official notice and common knowledge.

Regarding claim 61, Robbins teaches a method of selecting a radio channel (Column 11, lines 12 – 31), comprising the steps of:

receiving one or more digital radio channels (Column 11, lines 29 – 31);

comparing information on one or more of the received digital radio channels with a user designated work of authorship to determine whether the user designated work of authorship is or will be playing on one or more of the digital radio channels; and

alerting a user to a radio channel that is or will be playing the user designated work of authorship (Column 6, lines 17 – 24).

Robbins does not explicitly that the global communication network is a satellite audio radio network or that the receiving device is a mobile receiver.

Owens teaches a time shifting system which receives radio broadcasts and is able to record those broadcasts (Abstract) which are mobile in such they are located in a vehicle such as an automobile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Owen's disclosure of time shifting radio stations in an automobile in Robbin's system in order to perform the time shifting while driving in an automobile (Column 1, lines 8 – 11).

Titlebaum teaches a mobile radio station receiver (Column 3, lines 51 – 62) that receives and displays content/authorship information from the broadcast device (Column 4, lines 49 – 59) which includes receiving satellite radio (Column 3, lines 51 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand Robbin's teaching of a radio alert system to look for additional types of radio communications that include authorship information in the transmission such as satellite radio found in Titlebaum, in order to allow Robbin's the increased functionality of working with even more types of radio and video communications.

Regarding claim 62, Robbins teaches the method of claim 61, further comprising decoding a radio channel from among the one or more digital radio channels (Column 11, lines 12 – 20).

Regarding claim 63, Robbins teaches the method of claim 61, wherein the information compared with the user designated work of authorship is information from the decoded radio channel (Column 11, lines 12 – 20).

Regarding claim 64, Robbins teaches the method of claim 61, wherein the information on the one or more radio channels comprises data indicating the particular work of authorship that is playing on one or more of the digital radio channels (Column 11, lines 12 – 20).

Regarding claim 74, Robbins teaches a receiver, comprising:

a mobile general purpose computer adapted to receive one or more broadcast channels (Column 3, line 66 – Column 4, line 3), the general purpose computer also receiving data indicating what is being played on each channel (Column 4, lines 15 – 19);

wherein the general purpose computer includes a memory, the memory includes a playlist of user designated works of authorship and the general purpose computer is adapted to change channels to a specific broadcast channel if the data indicating what is being played on any channel matches a user request designated work in the playlist (Column 6, lines 17 – 24).

Robbins does not explicitly that the global communication network is a satellite audio radio network or that the receiving device is a mobile receiver.

Owens teaches a time shifting system which receives radio broadcasts and is able to record those broadcasts (Abstract) which are mobile in such they are located in a vehicle such as an automobile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Owen's disclosure of time shifting radio stations in an automobile in Robbin's system in order to perform the time shifting while driving in an automobile (Column 1, lines 8 – 11).

Titlebaum teaches a mobile radio station receiver (Column 3, lines 51 – 62) that receives and displays content/authorship information from the broadcast device (Column 4, lines 49 – 59) which includes receiving satellite radio (Column 3, lines 51 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand Robbin's teaching of a radio alert system to look for additional types of radio communications that include authorship information in the transmission such as satellite radio found in Titlebaum, in order to allow Robbin's the increased functionality of working with even more types of radio and video communications.

Regarding claim 75, Robbins teaches a method of selecting a radio channel, comprising the steps of:

using a receiver to receive one or more digital radio channels and data wherein the data indicates what work of authorship is being played on the one or more digital radio channels (Column 11, lines 29 – 31);

inputting a designation of a desired work of authorship into a memory of a general purpose computer (Column 5, lines 63 – 66), wherein the general purpose

computer monitors the data received by the receiver; using the general purpose computer to monitor the data;

receiving an alert when the data matches the input designation of the desired work of authorship indicating that the desired work of authorship is being played on one or more of the digital radio channels (Column 6, lines 17 – 24).

Robbins does not explicitly that the global communication network is a satellite audio radio network or that the receiving device is a mobile receiver.

Owens teaches a time shifting system which receives radio broadcasts and is able to record those broadcasts (Abstract) which are mobile in such they are located in a vehicle such as an automobile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Owen's disclosure of time shifting radio stations in an automobile in Robbin's system in order to perform the time shifting while driving in an automobile (Column 1, lines 8 – 11).

Titlebaum teaches a mobile radio station receiver (Column 3, lines 51 – 62) that receives and displays content/authorship information from the broadcast device (Column 4, lines 49 – 59) which includes receiving satellite radio (Column 3, lines 51 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand Robbin's teaching of a radio alert system to look for additional types of radio communications that include authorship information in the transmission such as satellite radio found in Titlebaum, in order to allow Robbin's the

increased functionality of working with even more types of radio and video communications.

Regarding claim 76, Robbins teaches a method of electing a radio channel, comprising the steps of:

receiving information from a satellite that indicates which works of authorship are being broadcast on each channel of at least 100 radio channels (Column 11, lines 29 – 31, where the reference can work with any number of radio channels, as long as its receivable and addressable, its able to monitor it);

comparing the information with a user designated work of authorship to determine whether the user designated work of authorship is playing on one or more of the audio radio channels (Column 5, lines 63 – 66); and

alerting a user to change to the one or more of the radio channels playing the user designated work of authorship when the information of one or more of the at least 100 channels corresponds to the user designated work of authorship (Column 6, lines 17 – 24).

Robbins does not explicitly that the global communication network is a satellite audio radio network or that the receiving device is a mobile receiver.

Owens teaches a time shifting system which receives radio broadcasts and is able to record those broadcasts (Abstract) which are mobile in such they are located in a vehicle such as an automobile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Owen's disclosure of time shifting radio stations in an

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automobile in Robbin's system in order to perform the time shifting while driving in an automobile (Column 1, lines 8 – 11).

Titlebaum teaches a mobile radio station receiver (Column 3, lines 51 – 62) that receives and displays content/authorship information from the broadcast device (Column 4, lines 49 – 59) which includes receiving satellite radio (Column 3, lines 51 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand Robbin's teaching of a radio alert system to look for additional types of radio communications that include authorship information in the transmission such as satellite radio found in Titlebaum, in order to allow Robbin's the increased functionality of working with even more types of radio and video communications.

Regarding claims 78 and 81, Robbins teaches the method of claim 76.

Robbins does not explicitly indicate that the receiver for receiving radio channels are located in a vehicle or a car.

Owens teaches a time shifting system which receives radio broadcasts and is able to record those broadcasts (Abstract) which is located in a vehicle such as an automobile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Owen's disclosure of time shifting radio stations in an automobile in Robbin's system in order to perform the time shifting while driving in an automobile (Column 1, lines 8 – 11).

Regarding claim 77, Robbins teaches the method of claim 76, further indicated which works of authorship are being broadcast on each channel of at least 100 digital radio channels (Column 6, lines 39 – 47)

Robbins does not explicitly indicate receiving the information from a terrestrial repeater of the information from a satellite, wherein the information from the terrestrial repeater also indicated which works of authorship are being broadcast on each channel of at least 100 digital satellite audio radio channels.

Titlebaum teaches the information from the terrestrial repeater also indicated which works of authorship are being broadcast (Column 3, lines 44 – 50)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand Robbin's teaching of a radio alert system to look for additional types of radio communications that include authorship information in the transmission such as satellite radio found in Titlebaum, in order to allow Robbin's the increased functionality of working with even more types of radio and video communications.

Claims 46 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins in view of Brown and view of Owens, and further in view of Barton (6233389).

Regarding claims 46 and 57, Robbins teaches the method of claims 45 and 56.

Robbins does not explicitly indicate that the desired content is recorded in a MPEG or .WAV format.

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Barton teaches a data stream recording device that stores data in MPEG format (Column 2, lines 10 – 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Barton's teaching in Robbin's system in order to allow good compression with the data being stored, while allowing the user to be able to simultaneously view or listen to the data that is being stored (Column 1, lines 63 – 67).

Claims 49, 59, 79, and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins in view of Brown and view of Owens, and further in view of Wall (6055244).

Regarding claims 49, 59, 79, and 80, Robbins teaches the method of claims 43 52, and 76.

Robbins does not explicitly indicate that the designation of a work of authorship is selected from the group comprising titles, segments of titles, key phrases and key words.

Wall teaches a radio data stream that includes an identifier which includes titles and other information (Figure 8; Column 4, lines 43 – 64)).

It would have obvious to one of ordinary skill in the art at the time the invention was made to use Wall's teaching of data stream identifiers in Robbins system in order to have a more descriptive identifier contained with in the stream to display and inform the user in English what program he is listening to or reserving to record (Column 1, lines 31 – 42).

Response to Arguments

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Applicant's arguments with respect to claims 41-43, 45-53, 55-64, and 74-81 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

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March 27, 2006


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER